

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KYLE BENGSTON,

PLAINTIFF,

v.

DAVID BAZEMORE, O.D. et. al

DEFENDANTS.

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3:06-cv-00569-MEF

REPORT OF PLAINTIFF'S EXPERT WITNESS

1.

I am Dr. Thomas J. Landgraf, O.D., F.A.A.O., a licensed optometrist in the State of Tennessee. I am a Professor at the Southern College of Optometry in Memphis, Tennessee, and am Chief of the Advanced Care Ocular Disease Service, Division of Clinical Education, at the Southern College of Optometry. I am familiar with the standard of care that must be employed by optometrists. My Curriculum Vitae (hereinafter "cv") is attached hereto as Exhibit "B" detailing my credentials and publications I have authored within the last ten (10) years.

2.

Based upon my review of office and exam notes of Dr. David Bazemore, O.D., regarding optical care rendered to Kyle Bengtson, Plaintiff in the above-styled lawsuit, and a review of notes regarding ophthalmologist care rendered to Kyle Bengtson by Dr. Gregory J. Sepanski, M.D., I offer the following opinion of the care provided to Kyle Bengtson by Dr. David Bazemore:

The optometrist, Dr. Bazemore, failed to meet the standard of care in regards to the

history and exam findings in this patient. On August 20, 2004, Mr. Bengtson complained of "halos around lights" in the right eye. This, combined with an exam history finding of asymmetric and elevated intraocular pressure in the right eye is highly indicative of narrow angle or angle closure glaucoma. The minimum workup per the optometric standard of care for this complaint includes an assessment of the anterior chamber angle via gonioscopy and goldmann tonometry at each visit. The optometrist failed to perform gonioscopy at any visit; goldmann tonometry was not performed at the office visit when the chief complain of "halos around lights" was elicited. The management of angle closure for an optometrist practicing minimum standard of care includes an immediate referral for lowering of intraocular pressure via medications and laser / surgical treatment. Since the workup was incomplete for this visit, a timely referral for management was not made; without a timely referral, the patient would be highly likely to suffer permanent vision loss. All optometrists have been thoroughly trained regarding the recognition and management of narrow angle and angle closure glaucoma. Goldmann tonometry and gonioscopy have been included for many years on the National Board of Examiners in Optometry clinical exam for optometric licensure.

Because of an incomplete assessment and timely referral of Mr. Bengston to an ophthalmologist, permanent vision loss and optic nerve damage was caused.

3.

I reserve the right to amend this opinion and it is subject to further discovery, including the reading of Dr. Bazemore's deposition and Defendants' written discovery responses, which Plaintiff's counsel has informed me are not available at this time.

4.

Exhibits which I may use as a summary of or support for my opinions include:

1. Models of the eye;

2. Diagrams of the eye;

3. Textbooks and articles including, but not limited to the following: Textbook:

Clinical Ocular Pharmacology , authors: Jimmy D. Bartlett and Siret D. Jaanus, latest edition, publishers: Butterworth-Heinemann.

5.

Other cases where I have testified within the preceding four (4) years:

(a) March 13, 2003 (deposition date) Commonwealth Of Kentucky,
Henderson Circuit Court, Civil Action No. 02-CI-00956, Elizabeth Mabe
v. J. Frederick Litke, O.D.; and

(b) December 1, 2004 (deposition date) State of Arkansas, County of
Jefferson, Jefferson County Circuit Court, No. CV-2004-628-3, Pearlle
Mae Scott v. Dr. Robert Hogan.

6.

My fee for serving Mr. Kyle Bengtson as an expert in this matter is \$200 per hour to review the case and prepare reports, \$300 per hour for deposition testimony, and \$500 per day for trial testimony.

This 28th day of February, 2007.

Dr. Thomas J. Landgraf, O.D.
Dr. Thomas J. Landgraf, O.D., F.A.A.O.